

Introduction: The Deathscapes of Incarceration

This special issue is dedicated to reflections on the deathscapes of incarceration, bringing together contributions that explore death either as an unintentional result of incarceration, or as its probable or inevitable consequence. Deathscapes in recent work by human geographers encompass 'places associated with death and for the dead and their meanings and associations' (Maddrell & Sidaway, 2012, p. 5). Imprisonment can be said to be one of those sites/conditions where death and bereavement are intensified; for those inside (especially the vulnerable, old, ill or life prisoners) the spacetime of prison (see Moran, 2012) is inscribed with the prospect of death, the contemplation of death and with the deaths of others. In some contexts (such as Life without Parole and life limited sentences) prisons are also part of a penal deathscape, marking the production of naturalized death in punishment and the memorialisation of life and death in penal hell holes in popular culture (Jewkes, 2014).

The papers in this special issue arise from a one day seminar held in London in September 2014 entitled 'The Cultural Life of Death in Punishment', which was funded by the Socio-Legal Studies Association and convened by the editors. This one day seminar brought together scholars working on socio-cultural aspects of encountering death in punishment in its varied manifestations. 'Death in punishment' encompasses all instances in which death occurs in or through penal practices and institutions, such as executions, dying on death row, life without parole/whole life tariff, suicide in prison, ageing/dying in prison and unexplained death in prison/custody. The intention of the conveners was to encourage conversations between the academic silos of death penalty and incarceration. The interchange between life and death in punishment indicates that there are several areas of productive crossings and synergies. Examples include: hope and hopelessness in penal institutions; end of life management within penal institutions (medical ethics, health care, administrative procedures); death in prison/custody and the challenges of its representation in popular culture; miscarriages of justice; the pains of death in punishment; death in punishment and intersectional social inequalities; life and death as tokens of punitiveness and tolerance in legal systems and penal cultures. Academic reflection on the crossings between death and terms of life as punishment have been at the heart of some of the most seminal contributions to the sociology of punishment (Cohen and Taylor, 1972; 1978) and one that is often alluded to by students of punishment in their discussions of Foucault (1977). In recent years there has been renewed systematic exploration which ponders both on the operational, judicial and political implications of these crossings. Since the seminar there has been increasing interest in this topic with the emergence of a number of volumes (mainly in the US) dedicated to reflecting on the realistic prospect of 'dying in prison' and the crossing from life to death in the prison system and the performance of mass death in the US criminal justice system (e.g. Adelsberg et al 2015, Gottchalk, 2015. The papers below) go some way in heeding Wacquant's call for prison researchers to investigate the "linkages between the prison and its surrounding institutions" (2002, p.388) in this instance the "social institution of death and dying" (see Brookes-Gordon et al, 2007) and eloquently 'captur[e] process, nuance, and contradiction' (Wacquant, 2002, p. 388).

Perspectives on death in punishment from the contributors

Death as an unexpected outcome of punishment is the subject of the first two articles in this special issue. In 'A Childhood Cut Short', Kate Gooch explains that when children in prison or other secure settings commit suicide, it is usually in response to the 'existential conditions' of their imprisonment, rather than due to underlying mental health issues. This means that child suicides are difficult to predict. She explores how the 'pains of imprisonment' are experienced by 15-17 year old boys incarcerated in a Young Offender Institution (YOI), in order to contextualise child deaths in custody.

The loss of childhood emerges as particularly significant for her respondents, who are unable to experience 'normal' rites of passage, such as celebrating their sixteenth or eighteenth birthdays, or to spend time with their families at Christmas. Separation from relatives is felt particularly keenly, especially from mothers. The fear of losing grandparents while inside also weighs on her respondents. In YOIs, the lines between care and control are blurred to detrimental effect. Fundamentally, Gooch argues that imprisoned children are in the liminal position of being trapped between childhood and adulthood. Although adolescence more generally is frequently conceptualised as liminal (Kroger, 2004), incarcerated children must survive in an environment that is especially unsuitable for them as children and for the development of their nascent adult selves. Therefore, children experience the pains of imprisonment in relation to their very identities.

In 'Criminal Liability for Deaths in Custody', David Doyle and Suzanne Scott unpack the limitations of the Corporate Manslaughter and Corporate Homicide Act 2007 as it applies to deaths in custody in prisons and other carceral settings in the UK. A section of this legislation has, since 2011, made it possible for custodial institutions to be liable for deaths of individuals in their care. Quoting Ethan Blue (2012), they emphasise that the distinction between 'natural' and 'unnatural' deaths in prison is not a clear one. Inadequate and negligent healthcare is implicated in the premature 'natural' deaths of prisoners. The uneasy relationship between care and control that Gooch identifies is also relevant to the incarceration of adults. Prisoners' loss of liberty places a heavy responsibility on the state to ensure that they are adequately cared for, but their status as the recipients of punishment works against this. Attention to mental health needs is particularly important as rates of self-harm in prisons are high, and self-harm is a risk factor for suicide in adult prisoners. Doyle and Scott highlight how assigning responsibility, and therefore liability, for deaths in custody limits the application of the Act. To be prosecuted as corporate manslaughter, deaths must result from failures on the part of the prison's senior management, meaning that both failures at the level of government policy, such as inadequate resourcing, and at middle management, would not be eligible. They note that the Act has yet to be invoked for a death in custody.

Ron Aday and Azrini Wahidin delineate the issues raised by the growing numbers of older people in prison in the UK and the USA in their article 'Older Prisoners' Experiences of Death, Dying and Grief Behind Bars'. They note that people over 60 are the fastest growing age group in the prison population. Older people dying in prison is not an unexpected outcome of their punishment - it is easily predictable for individuals of a certain age that their sentence will end with death. On the other hand, unless they are serving Life Without the Possibility of Parole, death is not imbricated in the sentence itself. Older prisoners may therefore bear the burden of a harsher punishment than their sentence mandates. The inability to participate in death rituals, such as attending funerals and demonstrative grieving, mean that bereavement due to the loss of family members or friends inside is particularly hard. Aday and Wahidin argue that older prisoners are beset by 'death anxiety', which is exacerbated by inadequate access to treatment for chronic ailments. Poor healthcare in prison can hasten death, underlining the point that the division between dying 'naturally' and 'unnaturally' in prison is not straightforward. As the number of palliative facilities in England and Wales and the United States increases, the need for proper end of life care that enables prisoners to die with dignity is paramount.

Prisoners sentenced to Life Without the Possibility of Parole (LWOP) are in effect sentenced to slow death by imprisonment, with no one 'deciding death', no technologies of death, no rituals of execution. Death is the only thing that will end their punishment and, as such, is an anticipated aspect of whole life sentences. In 'Women Serving Life Without the Possibility of Parole', Marion Vannier analyses letters written by women serving LWOP in California. Her contribution follows the

tradition of research on women's imprisonment that roots itself in women's own articulations of their experiences (Carlen, 1985; George, 2010), and the dispatches from prisoners on death row who communicate the experience of extreme punishment (Mulvey-Roberts, 2006). Like the older prisoners discussed by Aday and Wahidin, Vannier's female respondents highlight the embodied nature of their punishment. The women feel that their health is neglected and they often do not have access to female-specific medical care, such as mammograms and pap smears. Motherhood is a pressing concern, either because women are permanently separated from their children, or because they will never have the chance to become mothers. Above all else, the women experience lifelong imprisonment as an assault on their sense of self, whereby they become the 'living dead'. LWOP entails the end of hope, with no attention given to their personal development because there is no call on them to reform or be rehabilitated.

The final article, Evi Girling's 'Sites of Crossing and Death in Punishment', grapples with the 'crossings' between the death penalty and the sentence of Life without Parole, mapping the penal deathscape of LWOP and the deathwork of LWOP in US criminal justice.. Whereas capital punishment has been the focus of high profile national and global campaign work, the plight of those sentenced to LWOP is comparatively invisible - though increasingly attention is shifting to LWOP (see The Other Death Penalty Project, with whom contributing author, Marion Vannier, collaborates). Girling argues that abolitionists have tacitly accepted LWOP as a compromise/suitable replacement for the death penalty without challenging the punitive rationalities that underpin it. Those facing LWOP do not in practice enjoy the same procedural protections for equitable deliberation of their LWOP-worthiness as do those sentenced to death. This forecloses judicial memorialisations of injustice (see Sarat, 2009) and humanisation that such protections have afforded death penalty defendants and abolitionists. Girling argues that spaces for such memorialisation will be crucial in challenging LWOP and challenges the assumption frequently held by academics and penal reformers that the death penalty abolition goes some way in resolving the question of death in punishment. In fact, she argues that it may make death in punishment more intransigent as collectively we have failed to offer replacement discourses (Henry and Milovanovic, 1996) for 'the moral economy of harshness and exclusion [...]'. There is hope that cascades of dignity from the abolition of the death penalty may travel onto other harsh punishments (Simon, 2014), but Girling argues that such ground will have to be hard won by abolitionist politics.

Naturalising prison deaths and the challenge of palliative prisons

The number of individuals ending their 'natural lives' within prisons has increased dramatically over the last few decades, a rise fuelled by the mass incarceration in the U.S. penal system (Gottschalk, 2014; Simon, 2014). It is somewhat unsurprising therefore that most of the literature exploring deaths in punishment comes from the US. Systematic literature reviews reveal that the vast majority of studies are in the USA with a much smaller number - about 1 in 6 - in the UK (e.g. Stone K., 2012). The small but rapidly growing literature from the UK can be contextualised by the fact that the UK has the highest percentage of life-sentences in Europe (Snacken, 2016).

Van Zyl Smit and Snacken (2009) set out how the regulatory framework for imprisonment in the EU has come to formalise the idea of imprisonment as punishment and not for punishment. Having firstly upset the principle of 'less eligibility' (ibid, p. 100) the attendant privations of firstly the process of 'dying' in prison and in more recent years the privations of life with no hope of release (van Zyl Smit et al, 2014) have created a space for political and judicial discourse on the crossings between life and death in punishment beyond the pursuance of the abolition of the death penalty on the international stage (Girling, 2004, Manners, 2002).

For the most part theoretical expectation of death in prison in the UK is presented to be a rare phenomenon, for those few who serve whole life tariffs and those who die unexpectedly/unpredictably during their term of imprisonment. Foreseeable deaths in prisons are in theory avoidable – those prisoners could be released on compassionate grounds but still remain in prison because there are no family or care arrangements to receive them or indeed because it is deemed best for them and their families if they die inside, or because even in their fragile health they continue to posit a risk (HM Prison Service Prison Service Order 6000 Parole, Release and Recall 31 March 2005: Chapter 12) Death in prison in that sense upsets the ‘bargain of time’ in punishment. Research on death in punishment in the UK and European context has a tradition of reflecting on agency and responsibility and has concentrated on suicides and other preventable deaths in prison (Liebling, 1995; Pemberton, 2005; Coles and Shaw, 2006). Death is considered as the ‘uninvited’ and unwanted guest in imprisonment. The over-production of death in criminal justice and suicides, violent and unexpected deaths in prisons is construed to signal error – a miscarriage of process and a miscarriage of justice (as this person did not deserve the ending of life for the criminal sanction).

Increasingly research on deaths in punishment in the UK also explores the prospect and practice of natural deaths in prisons and their implications. The prospects of older prisoners in the UK prison system has been of concern for the last decade or so with pioneering work by Crawley & Sparks (2005) and Wahidin & Tate (2005). However this literature focused more on the experience of imprisonment and the special pains of imprisonment on those elderly prisoners and paid less attention to the death or management of deaths in prison. There has been in recent years interdisciplinary research from both sides of the Atlantic about palliative care in prisons (e.g. Lyckholm, & Glancey, 2016; Turner, 2016; Wion & Loeb, 2016; Holtslander, & Dadgostari, 2015) which explores the operational challenges of providing palliative care in prisons. This has shifted focus from death as a mere aberration (for which personal and institutional accountability must be sought) to a consideration of the naturalisation of death in prisons and its implications.

The idea of natural/unnatural causes of deaths in prison is one that is fetishized in the law’s response to such deaths and one that is problematized by all our contributors. The legal response to death in custody/incarceration is to distinguish the violence of the law from the natural deaths from natural causes. Yet it is the latter that is now causing both operational and philosophical moral consternation. At what level do natural deaths in prison become unnatural? Is there a tipping point of scale or to paraphrase and invert Travis’s (2014) phrase ‘the tipping point of the new (abnormal)’? Is ‘mass death’ experienced in prison an unnatural state of natural deaths? The crisis of mass incarceration leads to a condition of mass death (see Chavez 2015, Simon, 2014) where penal institutions become the purveyors of ‘care’ through hospice care units or through the management of severe and chronic illnesses of populations variously described as graying/geriatric (e.g Simon, 2014). As Chavez (2015) reminds us, exploring the very conditions of ‘naturalised mass death’ demands methodological innovation and critical reflection. The management of a population with chronic illness and age related illnesses has meant that prisons have increasingly appropriated bodily decay and eventual death as part of the bargain of terms of imprisonment (Chavez 2015). The institutional thoughtlessness of the prison towards aging and disabled bodies has been well documented (Crawley, 2005; Crawley and Sparks, 2005; Wahidin & Tate 2005; Wahidin & Aday 2005) ; the total institution of prison has left natural death and natural decay outside the moral and practical habitus of the prison (Crawley and Sparks, 2005). It could also be said however that bodily decay and death have the potential to appropriate prisons; challenging the moral order of punitive imprisonment and revealing the ‘grievable’ lives within it. It has been suggested that the

development of palliative care in prisons inevitably impacts positively on prison culture (Yampolskya and Winston, 2003; Bronstein and Wright, 2007a and Wright and Bronstein, 2007b see also Taylor, 2015).

There are certainly a number of challenges in both conceptualising and operationalising end of life care and palliative care in prisons that speak both to the philosophy and the politics of punishment (see Burles, Peternelj-Taylor & Holtslander, 2015; Oliver, 2015). The perennial quandary and operational, cultural and political trade-offs between the performance of custody and care in prisons presents a challenge. The two practices can be perceived to be incompatible both in terms of the day to day running and organisation of the prison (see Crawley and Sparks, 2005) and the occupational cultures of staff (ibid.) but also it also in the political condition of long term imprisonment which can foster 'apathy' or tacit support for the bundle of privations that go with such terms. Arguments of less eligibility could potentially become important in contexts where care (social and health care) outside prisons is fragmented, unpredictable and appears to be under threat. Relationships of care fostered to manage the end of life arrangements operate on trust, with staff and other prisoners playing a key part in care-giving in an environment in which categorical suspicion is embedded both in staff and prisoner cultures rendering performances of care both problematic but also potentially transformative.

Prisons foster variants of civil death which can be seen to render people without liveable futures (Harbin, 2015). Harbin, drawing from Judith Butler's work on liveable lives and grievable deaths, argues that prison hospice programmes resist civil death for prisoners by embedding them in meaningful relationships of care which render their lives liveable but also signify their deaths as deserving of grief. As Harbin (2015) argues, hospice programmes in prisons are important "for the way they allow for recognising and mourning those who die in prison, as significant, remembered and grievable" (Ibid, p.5).

(Un)doing Time and doing prison death: Reflections on the challenges of criminologies

The limits of communicating pain during the performance of death as punishment are set by what Scarry (1985) described as the unshareability and resistance to language which at the moment of death leads suffering to be appropriated by the language and politics of the witness (Kaufman Osborne, 2002, Scarry, 1985). The subjectivity of physical and psychological suffering of the condemned during execution has further been undermined by spatial and administrative processes which render the ending of lives into indistinguishable and reproducible non-events (Lynch, 2000). Whereas suffering at the moment of death as punishment and its embodiment in individual bodies and biographies presents an epistemological challenge, the process and pains of 'dying' in prisons and managing end of life care in prisons presents more opportunity for intersubjective understanding of narratives of care and bereavement and an opportunity to explore the lived deathscapes of prisons. Commentators have observed a decline in qualitative and especially ethnographic research at time when the experiences of mass incarceration are all too common (Simon, 2000; Wacquant, 2002). Yet such research capturing life and the pains of dying inside prison continues despite these barriers. Some of the challenges of accessing such invisible/muted experiences have resulted in innovations such as convict ethnography, which is performed by prisoners, sometimes with assistance from prison staff (Newbold et al., 2014), or as in this volume the use of letters to capture the lived experience of women on LWOP (see Vannier below). The recent special issue of *Qualitative Inquiry*, 'Doing Prison Research Differently', which features contributions from researchers in North America, Britain, Norway and New Zealand, demonstrates that prison ethnography continues to flourish.

The certainty of dying inside has been likened to a 'slow death sentence' in the case of LWOP (Sarat and Ogletree, 2012). The meanings of the expectation of death inside can be understood firstly as a 'pain of imprisonment' and secondly in terms of its institutional meaningfulness. The pain of expecting to die in prison was eloquently described by a life sentenced prisoner serving life imprisonment in Angola prison as: "The prospect of dying in prison is a nightmarish fear that haunts every prisoner like a ghost. . . . There is no warmth, beauty, or meaning—no lasting pleasures, touches, joys, words. In prison there is nothing—you suffer alone and you die alone, feeding the fear and misery of those who must watch you die" (Wilbert Rideau, cited in Goldberg-Hiller & Johnson, 2013). The death penalty's rituals of execution create a panoply of dramaturgy that renders death meaningful in law through ritual performances of responsibility and autonomy (Conquergood, 2002; Johnson et al., 2013). The condemned is – at least at the level of appearances - situated both in relationships of care (family and medical) and protocol that mark the final 24 hours as sacred time apart from the routines of death row, investing 'dying' with (albeit) contested personal and judicial meaning. The execution rituals and protocols of witnessing renders death in time culturally meaningful, through the finality of sentence, for the judicial process and for victim's families and the narratives of witnessing and closure that surround them, even if this witnessing is heavily stage-managed and constrained (see Johnson et al., 2013). In contrast, as Girling elucidates in her paper on LWOP, prisons can be viewed as museums of rage where the meanings of the death are buried in the archives of policy and politics and the biographies of victims. As Goldberg-Hiller and Johnson (2013: p. 627) argue the temporality of a life sentence (both inner time and carceral time) can enhance "our understanding of law's violence while it helps to deconstruct and discredit some formal measures of crime and punishment". It could also be argued that it is the temporal disjuncture of producing death at a time when it seems to be of little judicial, political or personal relevance which causes the political and philosophical problem of the meaninglessness of 'dying inside' and of the meaninglessness of 'letting die inside' in terms of penological rationale.

The prospect of dying in prison and the experiences of dying in prison enable a penal imaginary in which the othering of the offender is challenged by the shared human vulnerability to death and its vagaries. Paraphrasing Strauss (1966) death is good to think punishment with; most of the thinking around death and punishment has focused on the death penalty but as the papers in this special issue show, it is good to think prison with too. Dying in prison transcends the space of prison. The deaths of prisoners need to be rendered culturally visible to pierce us (Barthes, 1981) - to memorialise vulnerability over otherness, and to pose legal, practical, personal and political challenges to the enclosure of ungrievable lives within penal institutions. The political and practical quandaries and innovations of providing end of life care in prisons both challenge and naturalise deaths in prisons. They could also be understood to illuminate "liminal transformative spaces" in prison, where the usual regime is suspended? (Moran, 2013, p.10). End of life practices especially in the context of palliative care challenge the spacetime of prisons and can provide liminal places where performances of grievable lives and acknowledgments of suffering can be experienced by staff, prisoners and families.

We close this introductory article with a call for the development of criminologies of death and dying to map the deathscapes of incarceration, to comprehend how death in punishment is culturally visible or invisible and to understand how deaths 'inside' are lived and grieved for by those on the 'outside'. As we have explored, there is a wide range of interdisciplinary research that investigates death in punishment both empirically and theoretically. However, there is more work to be done in terms of making connections between this research in order to fully comprehend the role of death as an aspect of punishment – not just capital punishment but as the expected or unexpected end of punishment. In this sense, death, dying and grief lurk inevitably in the propensity to punish.

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